

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q83917

Mitsuo TANAKA

Allowed: May 8, 2008

Appln. No.: 10/510,200

Group Art Unit: 2861

Confirmation No.: 6449

Examiner: Anh T N VO

Filed: March 4, 2005

For: LIQUID INJECTION DEVICE, LIQUID INJECTION DEVICE CONTROL METHOD,
AND CONTROL PROGRAM

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

ATTN: MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant notes that the Examiner's particular comments regarding the Reasons for Allowance included with the Notice of Allowance dated May 8, 2008 do not accurately reflect the claim language. For instance, the Reasons for Allowance merely loosely paraphrase certain recitations that are included in the allowed claims and therefore do not accurately restate the claimed invention.

MPEP §1302.13 requires that "[w]here specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." Accordingly, since the Reasons for Allowance comprise inaccurate paraphrasing, Applicant maintains that the legal scope of the present invention is defined only be

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the recitations of the allowed claims themselves and not by the Examiner's paraphrasing. Thus, the Examiner's Reasons for Allowance should not be construed to place unwarranted interpretations upon the claims.

Applicant also notes that the Reasons for Allowance indicate that "Claim 7 allowed because the prior art references of record fail to teach or suggest... a control section..." However, claim 7 nowhere recites the feature of "a control section." Therefore, Applicant submits that the Reasons for Allowance are inaccurate and that claim 7 is allowable by virtue of the recitations set forth therein.

Finally, Applicant notes that the application includes four independent formulations of the invention (i.e., claims 1, 11, 14 and 17) and, therefore, Applicant submits that the Reasons for Allowance are deficient by failing to acknowledge that claims 1, 11, 14 and 17 were allowed for independent reasons.

Patent Office personnel are requested to note that the present submission does not adversely affect the patent term adjustment accrued by the Applicant to date. As emphasized in the "Clarification of 37 C.F.R. §1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed," 1247OG111 (6/26/01), "a response to the examiner's reasons for allowance" is an example of a paper that does "not cause substantial interference and delay in the patent issue process" and is "not considered a 'failure to engage in reasonable efforts' to conclude processing or examination of the application."

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE
Attorney Docket No.: Q83917
U.S. Application No.: 10/510,200

Therefore, the Applicant remains entitled to the full patent term adjustment set forth on
page 3 of the Notice of Allowance dated May 8, 2008.

Respectfully submitted,

/ Andrew J. Taska /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Andrew J. Taska
Registration No. 54,666

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